

SELF-HELP LAND ACQUISITION PROGRAM

* UMASS/AMHERST *

PROCEDURES

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Step 1.

Conservation commission requests Self-Help application from the Division of Conservation Services before purchasing land. At this time, deadlines for filing applications should be ascertained.

Step 2.

Conservation commission files complete application with the Division of Conservation Services before purchasing land. The following items must be included with the application:

- a) Certified copy of town vote accepting M.G.L. Chapter 40, Section 8C.
- b) Certified copy of date conservation commission was established and current appointments to commission.
- c) Plot plan of area adequately defining metes and bounds of project.
- d) Professional appraisals: See Appraisal Requirements for the Self-Help and Land & Water Conservation Fund programs.
- e) Open space/recreation plan no more than five years old if not already on file with the Division of Conservation Services or evidence that such a plan is underway and will be complete by the application filing deadline.

No incomplete applications will be accepted.

If a city or town intends to file an application for assistance jointly with the Bureau of Outdoor Recreation Land and Water Conservation Fund and the Massachusetts Self-Help program, it is suggested that contact be made with the Division of Conservation Services prior to submitting these applications.

Step 3.

Conservation commission submits articles to be placed in Town Warrant to Division of Conservation Services for review before Town Meeting or City Council vote. Municipal counsel should be consulted in drafting the article or order. The article shall cite the particular parcel to be acquired and shall contain authorization to seek funding under M.G.L., Chapter 132A, Section 11 and to enter into any contracts therefor. Similar authorization is necessary for federal Land and Water Conservation Fund assistance.

GOVERNMENT DOCUMENTS
COLLECTION

Publication: #12932-5-300-8-82-CR
APPROVED BY John J. Manton, State
Purchasing Agent.

APR 28 1983

Executive Office of Environmental Affairs
Division of Conservation Services
824/184

University of Massachusetts
Depository Copy

Step 4.

Application assigned for field examination by Division of Conservation Services to Assistant Regional Forests and Parks Supervisor.

In some emergency cases in which the subject property must be acquired before the Self-Help application can be processed, the Division of Conservation Services may grant permission to proceed with acquisition, provided that a field examination has been completed and that a complete Self-Help application with all the necessary attachments listed in Step 2 above has been submitted to the Division. This clearance to proceed with acquisition in no way obligates the Commonwealth to fund the project.

Step 5.

Interagency review and priority rating by the Division of Conservation Services and Self-Help Review Committee. Consultations with the conservation commission, if necessary.

Step 6.

Application reviewed and approved or rejected by Secretary of Environmental Affairs.

Step 7.

Project approval, billing forms and Self-Help contract for approved projects sent to conservation commissions. Funds are at this time obligated for approved projects. Applications which are not approved are returned to commissions with brief explanations of why the projects were rejected and recommendations regarding resubmission of the applications.

Step 8.

Town or City votes to appropriate, transfer from available funds, expend from its Conservation Fund, or borrow an amount equal to the total cost of the project stated in the Self-Help application. A city or town may vote to borrow funds in anticipation of state or federal reimbursement prior to receiving agreement of reimbursement; however, the borrowing cannot actually take place until state or federal consent of reimbursement has been given. Municipal approval may also take place prior to Step 1 but commissions should ensure proper compliance with Self-Help policies and procedures.

Step 9.

Conservation commission makes purchase after having received Town Meeting or City Council and Executive Office of Environmental Affairs approvals.

Step 10.

Conservation commission files billing form with Division of Conservation Services after purchase completed. The following documents, in duplicate, must accompany the billing form:

- a) Certified copy of deed or order of taking, as recorded. The grantee clause of all deeds granting lands or interest therein to cities and towns in which the conservation commission is applying for Self-Help funds shall contain the following ". . . hereby grant(s) to the city/town of _____ through its conservation commission for administration, control and maintenance under the provisions of General Laws, Chapter 40, Section 8C as amended, with _____ covenants the land in _____ bounded and described as follows."
- b) Municipal counsel's certification of title (statement relative to the condition of the title).
- c) Vote of Town Meeting or City Council authorizing the purchase of said parcel of land.
- d) Attested statement of the City or Town Treasurer indicating the amount of payment made, the grantor, date paid and authority of payment together with a xerox copy of the cancelled check(s). In cases of owners unknown or refusal to accept pro tanto payment the treasurer shall certify that he or she has complied with the provisions of Chapter 79, Section 7D.

N.B. Reimbursements for Self-Help projects are based on the cost of land acquisition only. Self-Help funds cannot be used for payment of back taxes, interest charges, court costs or any fees other than the cost of the land itself.

- e) Self-Help contract. A copy of this contract must be recorded at the Registry of Deeds either at the same time the deed for land comprising the Self-Help project is recorded or later as an adjunct to the deed.
- f) Evidence that a permanently fixed sign, which identifies the project as a cooperative venture between the municipal conservation commission and the Commonwealth of Massachusetts, has been placed at a prominent access point to the property. This sign must be constructed of sturdy enough material to be permanent and must be large enough to be clearly visible. In suitable project areas, off-street parking may also be required.

Step 11.

Billing form and documents reviewed by the Division of Conservation Services for any changes from the project application.

Step 12.

Report to Secretary of Environmental Affairs on billing and request for approval.

Step 13.

Invoice prepared and submitted for payment. Self-Help sign must be in place at main access point before payment will be made.

Step 14.

Payment made to municipality.

MASSACHUSETTS SELF-HELP LEGISLATION

AN ACT ESTABLISHING A CONSERVATION PROGRAM FOR CITIES AND TOWNS

Chapter 132A of the General Laws is hereby amended by adding the following section: Section 11. The Secretary of Environmental Affairs shall establish a program to assist the cities and towns, which have established conservation commissions under Section 8C of Chapter 40, in acquiring lands and in planning or designing suitable public outdoor facilities as described in Sections 2B and 2D*. He may, from funds appropriated to carry out the provisions of Section 3, reimburse any such city or town for any money expended by it in establishing an approved project under said program in such amount as he shall determine to be equitable in consideration of anticipated benefits from such project, but in no event shall the amount of such reimbursement exceed 80% percent of the cost of such project. No reimbursement shall be made hereunder to a city or town unless a project application is filed by such city or town with the Secretary, setting forth such plans and information as the Secretary may require and approved by him, until such city or town shall have appropriated, transferred from available funds or have voted to expend from its conservation fund, under Clause 51 of Section 5 of Chapter 40**, an amount equal to the total cost of the project, nor until the project has been completed, to the satisfaction of the Secretary, in accordance with said approved plans. Any reimbursement received by a city or town under this section shall be applied to the payment of indebtedness, if any, incurred in acquiring land for such conservation project.

APPROVED - July 5, 1960. Amended: April 20, 1966, November 25, 1975.

*Section 2B. It is hereby declared to be the policy of the Commonwealth that all such sites acquired or developed by the Commissioner (of the Department of Environmental Management) shall insofar as practicable be preserved in their natural state; that they shall be insofar as possible collectively self-supporting; and that no commercial activities except those essential to the quiet enjoyment of the facilities by the people shall be permitted.

***Section 2D.** In the development and improvement of state parks, state forest recreation areas and state reservations, the Commissioner (of the Department of Environmental Management) is hereby authorized and empowered:

1) To acquire, plan, construct, maintain and operate public recreation facilities, including roads, areas for parking, picnicking and camping, provisions for swimming, wading, boating, outdoor games, winter sports, horseback riding, bicycling and hiking trails, nature study, rest areas, outlooks, comfort stations, food accommodations and such other facilities as the Commissioner deems necessary and desirable and consistent with the policy of the Commonwealth, as set forth in Section 2B.

**According to G.L. Ch. 44, Sec. 8C, a city or town may also borrow money for the acquisition of land for conservation or recreation purposes, in anticipation of state or federal reimbursement. Such a loan is permissible only if the city or town has written state or federal agreement of reimbursement.

2) To impose and collect such charges and fees for the use of lands, buildings, facilities and equipment enumerated in sub-division (1) as may be necessary to defray insofar as practicable the cost of such developments and improvements, including costs of maintenance and operation, bond amortization and interest and to revise said fees and charges from time to time.

3) To designate such areas as may be used in season for hunting and fishing.

N.B. - The Self-Help program established and administered by the Secretary of Environmental Affairs is intended to be consistent with the projects and responsibilities of the Commissioner of the Department of Environmental Management as set forth in Sections 2B and 2D above.

